



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 20, 1996

Mr. James B. Morgan
Handy & Morgan
P.O. Box 455
Hurst, Texas 76053

OR96-0996

Dear Mr. Morgan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40476.

The White Settlement Independent School District (the "district"), which you represent, received an open records request for copies of each notice of a sex offender registered in the district. You asked us whether the district is required to comply with this request for information. In Open Records Letter No. 96-0644 (1996), we stated that you failed to provide us with all the information necessary for us to render a decision under the Open Records Act. *See* Gov't Code § 552.301(b). We concluded that the requested information is presumed public and must be released unless you demonstrate that the information is confidential by law or other reasons exist as to why the information should not be made public. You now ask whether the requested information is confidential by law. Therefore, we will reconsider our opinion in Open Records Letter No. 96-0644 (1996).


Pursuant to the recently amended sex offender registration statute, V.T.C.S. art. 6252-13c.1, local law enforcement authorities must publish a notice in the local newspaper and notify the superintendent of the school district in which the sex offender intends to reside, if the sex offender's victim was under 17 years of age at the time of the criminal conduct. *Id.* § 3(e). You inquire as to whether the sex offender registration statute or any "confidentiality provisions"¹ prohibit the district from releasing to the public the information it receives about sex offenders from local law enforcement authorities.

¹You have not cited, nor are we aware of, any "confidentiality provisions" that are relevant to a discussion of whether the requested information is subject to required public disclosure. Therefore, we address only the applicability of the sex offender registration statute, V.T.C.S. art. 6252-13c.1.

We believe that Open Records Decision No. 645 (1996) resolves your request. In that decision we concluded that, upon receiving a written request for information about sex offenders, a school district must release or withhold the requested information it receives in accordance with section 5 of article 6252-13c.1 or other law, including the Open Records Act.² We have enclosed a copy of Open Records Decision No. 645 (1996) for your consideration.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 40476

Enclosures: Submitted documents; Open Records Decision No. 645 (1996)

cc: Ms. Kristin N. Sullivan
Reporter
Fort Worth Star-Telegram
P.O. Box 1870
Fort Worth, Texas 76101
(w/o submitted documents; w/Open Records Decision No. 645 (1996))

²You state that "the request [for information] is not limited to notices the District has received, but seems to have an unlimited request for future notices which the District receives." We note that a governmental body need not comply with a standing request to provide information on a periodic basis or treat a request as embracing information prepared *after* the request was made. Open Records Decision Nos. 476 (1987), 465 (1987), 452 (1986).